

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, SEPTEMBER 25TH, 2007 AT 6:00 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman
Charles Wagner, Vice-Chairman
Leland Mitchell
David Hurt
Charles Poindexter
Russ Johnson
Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator
Larry Moore, Asst. County Administrator
B. J. Jefferson, County Attorney
Sharon K. Tudor, CMC, Clerk

Chairman Wayne Angell called the meeting to order.

PUBLIC COMMENT:

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Chairman Wayne Angell recessed the meeting for the previously advertised public hearings as follows:

PETITION of Bonbrook, LLC, as Petitioner and Owner; and Leslie R. Oakes (deceased) and Irene V. Oakes as Owners, requesting to rezone property currently zoned A-1, Agricultural District, to Rezone to RPD, Residential Planned Unit Development District, with possible proffers, consisting of ± 7.30 acres, for the purpose of sixteen (16) townhomes to be supported by a public roadway, utilities and storm water management infrastructure. The future land use map of the current adopted 2025 Comprehensive Plan designates this area as Agriculture Forestry/Rural Residential. The property is located on State Route 655, Webster Road, in the Union Hall Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 54, Parcel #'s 258 and 258.2. (Case R 07-08-01) # 39. (Case # U 07-09-06).

Clyde Perdue, Attorney, presented the request.

THE FOLLOWING PEOPLE SPOKE IN OPPOSITION TO THE PROPOSED PROJECT.

Tommy Campbell, resident, advised the board he and other residents had previously submitted to the Planning Commission a petition of 44 signatures of home owners opposed to the proposed development. They wish to stop the development as they do not feel the development is suited for this neighborhood. Mr. Campbell stated this was a tranquil neighborhood and he would like to see it stay that way. Mr. Campbell felt this type of development needed public water and sewer and he felt it would be years before these services would be available.

General discussion ensued.

(RESOLUTION 13-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned rezoning with proffers, whereby the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended with the following proffers and deviations:

Approved Proffers and Deviations:

Approved Proffers:

1. The property will be developed in substantial conformance with the Concept Plan prepared by Parker Design Group, dated June 29, 2007, and revised September 17, 2007.
2. All commercial uses permitted in the RPD district are prohibited.
3. A commercial entrance permit shall be obtained from the Virginia Department of Transportation (VDOT), and a public roadway meeting VDOT standards will be

constructed to provide access to the proposed lots as shown on the concept plan dated June 29, 2007, revised September 17, 2007.

4. No more than sixteen (16) total dwelling units shall be constructed.
5. No town home building shall consist of more than two (2) town home units.
6. Property Owners Association documents shall at a minimum contain provisions to maintain open space including, but not limited to, landscaping and buffer, walking trail, gazebo, and any storm water management practices proposed to meet state and local requirements. The Property Owner Association will provide that only the residents and their invitees/guests will use the recreational open space (walking trail and gazebo).
7. Short term rentals shall be prohibited.

Approved Deviations:

1. Deviation from front setback requirements found in Section 25-298(a) of the Zoning Ordinance to allow a setback of forty-five (45) feet from the centerline, or twenty (20) feet from the edge of the right of way rather than fifty-five (55) and thirty (30) feet, respectively.
2. Deviation from the rear setback requirements found in Section 25-298(c) of the zoning ordinance to allow a twenty (20) foot rear yard setback rather than thirty (30) feet.
3. Deviation from the minimum lot size requirements found in Section 25-224(a) (1) (d) of the zoning ordinance to allow a minimum lot size of 5,500 square feet rather than 20,000 square feet.
4. Deviation from the lot frontage requirements found in Section 25-194(a)(1)(3) of the zoning ordinance to allow forty (40) feet of frontage on state maintained secondary road rather than one-hundred twenty-five (125) feet.
5. Deviation from perimeter landscaping requirements found in Section 25-99 and 25-100 of the zoning ordinance to allow variations to the perimeter landscaping requirements as depicted on the concept plan dated June 29, 2007, revised September 17, 2007.

MOTION BY: Charles Poindexter

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Poindexter, Wagner, Quinn & Angell

NAYS: Johnson

PUBLIC NOTICE

In accordance with provisions of Section 24.2-306 of the Code of Virginia, as amended notice is hereby given to all interested persons that the Franklin County Board of Supervisors will consider having all absentee voting ballots counted in the Central Absentee Precinct which is located adjacent to the Voter Registrar's Office in the Conference Room, 70 East Court Street, Suite 302, Virgil Goode Building, Rocky Mount, Virginia. The absentee voting ballots are now counted in each individual precinct except in the November General Elections. The proposed change would approve a Central Absentee Precinct to be used for all elections except for May Town Elections. (Virginia Election Law 24.2-712 excludes Town Elections from having a Central Absentee Precinct) Said proposed change, if approved, by the Board of Supervisors and the United States Justice Department would be implemented by the February Presidential Primary 2008.

Bill Cooper, Electoral Board, presented the proposed precinct move as advertised.

No one spoke for or against the proposed public hearing.

(RESOLUTION #14-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve a Central Absentee Precinct to be used for all elections except for May Town Elections. (Virginia Election Law 24.2-712 excludes Town Elections from having a Central Absentee Precinct) as advertised.

MOTION BY: Charles Wagner

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Wagner, Johnson, Quinn & Angell

ABSENT: Poindexter

PUBLIC NOTICE

In accordance with provisions of Section 24.2-306 of the Code of Virginia, as amended notice is hereby given to all interested persons that the Board of Supervisors of the County of Franklin, Virginia proposes to move the polling place for the Rocky Mount South Polling Place, now located at Rocky Mount Masonic Lodge, 2233 South Main Street, Rocky Mount to the Pigg River Missionary Baptist Association Community Center, 2410 South Main Street, Rocky Mount, Virginia. Said proposed change, if approved, by the Board of Supervisors and the United States Justice Department would be implemented by the February Presidential Primary 2008.

Bill Cooper, Electoral Board presented the request to move the Rocky Mount South Polling Place as advertised.

No one spoke for or against the proposed move.

(RESOLUTION #15-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to authorize the move for the Rocky Mount South Polling Place, now located at Rocky Mount Masonic Lodge, 2233 South Main Street, Rocky Mount to the Pigg River Missionary Baptist Association Community Center, 2410 South Main Street, Rocky Mount, Virginia as advertised.

MOTION BY: Charles Wagner

SECONDED BY: Leland Mitchell

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Wagner, Johnson, Quinn & Angell

ABSENT: Poindexter

PETITION of the Franklin County Planning Commission to amend Section 25-40, Definitions, Section 25-131, Reserved, and Section 25-178, Permitted uses to allow Garage, Principle in the Agricultural (A-1) zoning district as a permitted use, define a garage, principle, and establish supplemental regulations for garage, principle.

Ms. Lisa Cooper, Senior Planner, presented the proposed amendments to Section 25-40, 25-131 and 25-178 as advertised.

General discussion ensued.

The Board felt clarification was needed on a bon-fide Agriculture Use.

No one spoke for or against the proposed.

(RESOLUTION #16-09-2007)

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY, that the County Code be, and is hereby amended for Section 25-40, Section 25-131, and Section 25-178 as follows:

Section 25-40. Principal definitions of the Zoning Ordinance:

Garages, principle. A building that may include a workshop and is used for the storage, maintenance and operation of personal property owned by the property owner, and not associated with any commercial activity. A garage, principle shall not be occupied as a dwelling unit and shall contain limited plumbing of only one (1) utility sink and one (1) toilet. This term shall include pole barns, sheds and other similar structures provided they comply with Section 25-131 of this chapter.

Section 25-178. Permitted Uses:

Garage, principle

Division 4. Supplementary Regulations:

Section 25-131. Garage, principle.

- (a) The minimum lot size shall be five (5) acres.
- (b) No more than one (1) garage, principle shall be allowed on any one (1) parcel.
- (c) No garage, principle and associated activity shall be less than fifty (50) feet from any property line, unless the property is under the same ownership.
- (d) A future detached residential use on the lot shall be larger in total floor area than the garage, principle, and a future detached residential use on the lot shall designate the garage, principle, as a garage, private.
- (e) No garage, principle shall exceed two thousand (2,000) square feet in total floor area as defined in Section 25-40 (1 and 2). The size restriction is not intended to apply to properties where agriculture is the principle use of the property and structure.

MOTION BY: David Hurt

SECONDED BY: Russ Johnson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Hurt, Wagner, Johnson, Quinn & Angell

ABSENT: Poindexter

Tabled Item: PETITION of Tammy Javier as Petitioner and Franklin County Humane Society, Inc., as Owner, requesting a Special Use Permit for property currently zoned A-1, Agricultural District, with possible conditions, consisting of ± .70 acres, for the purpose of an indoor flea market fundraising shop for the Humane Society. The future land use map of the current adopted 2025 Comprehensive Plan designates this area as a Commercial Highway

Corridor. The property is located on State Route 220 North approximately two miles north of Rocky Mount on the southbound side of 220, in the Blackwater Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as Tax Map # 44, Parcel # 129. (Case # U 07-07-02).

(RESOLUTION #17-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to bring the aforementioned petition back for discussion after being tabled during the August, 2007 board meeting.

MOTION BY: Leland Mitchell
SECONDED BY: Russ Johnson
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell
ABSENT: Poindexter

Steve Sandy, Acting Director, Planning & Community Development, presented a VDOT letter addressing the proposed Special Use Permit for the Franklin County Humane Society, Inc.

(RESOLUTION #18-09-2007)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit with the conditions as discussed for uses as provided in this chapter finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base. Approval with the following conditions:

- Approved Conditions:***
Conditions – Tammy Javier and the Franklin County Humane Society Case # U 07-07-02:
1. All merchandise and vendors shall be completely enclosed, with no exterior displays.
 2. The hours of operation shall be limited to 9:00 am to 5:00 pm, Friday, Saturday, and Sunday.
 3. A major site plan shall be submitted within ninety (90) days of the special use permit approval.
 4. No parking signs shall be installed along VDOT right of way.
- MOTION BY: Russ Johnson
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:
AYES: Mitchell, Hurt, Wagner, Johnson, Quinn & Angell
NAYS: Poindexter

Chairman Angell adjourned the meeting.

W. WAYNE ANGELL
CHAIRMAN

RICHARD E. HUFF, II
COUNTY ADMINISTRATOR